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9 *Attorneys for Defendant*
10 *Suzuki Enterprises, Inc. Profit Sharing Plan*

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16 Las Vegas, NV 89169
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18 Facsimile: (702) 920-8228
19 *Attorneys for Defendant*
20 *Suzuki Enterprises, Inc. Profit Sharing Plan*

21 **UNITED STATES DISTRICT COURT**

22 **DISTRICT OF NEVADA**

23 SHIGE TAKIGUCHI, et. al,
24 Individually and On Behalf of All
25 Others Similarity Situated,

26 Plaintiffs,

27 v.

28 MRI INTERNATIONAL, INC.,
EDWIN J. FUJINAGA, JUNZO
SUZUKI, PAUL MUSASHI
SUZUKI, LVT, INC., dba STERLING
ESCROW, and DOES 1-500,

Defendants.

Case No.: 2:13-cv-01183-HDM-VCF

**STIPULATION AND ORDER RE
PAYMENT OF ATTORNEYS
FEES AND COSTS INCURRED
BY SUZUKI ENTERPRISES, INC.
PROFIT SHARING PLAN
DURING FEBRUARY 2017**

1 WHEREAS Defendant Suzuki Enterprises, Inc. Profit Sharing Plan (the
2 “Plan”) and Plaintiffs are collectively referred to herein as the “Parties”;

3 WHEREAS on December 2, 2014, the Court issued its order [550] (“Order
4 re Fees”) approving the Stipulation and Order re Payment of Attorneys’ Fees [549]
5 (“Stipulation re Fees”) incurred by the Plan from Plan funds presently subject to
6 the preliminary injunction [183] issued by this Court;

7 WHEREAS the Order re Fees expressly provides a procedure for payment
8 of the fees incurred by the Plan through stipulation by the Parties;

9 WHEREAS the Plan incurred legal fees and costs in February 2017 for,
10 among other things, coordinating global settlement discussions, addressing
11 numerous class action settlement issues, negotiating settlement terms with
12 Plaintiffs, communications with multiple counsel and Plan fiduciaries regarding
13 settlement issues and appearing at a deposition noticed by Plaintiffs;

14 WHEREAS the nature of the settlement in this case required the Plan to hire
15 additional counsel to assist in some of the class action settlement issues;

16 WHEREAS the Plan has incurred legal fees and certain costs for the month
17 of February 2017 in the amount of \$18,136.47;

18 WHEREAS such fees and costs are payable as follows:

- 19 • \$9,877.00 payable to Foundation Law Group, LLP, lead counsel for
20 the Plan, focusing on settlement discussions with Plaintiffs and
21 coordination of global settlement discussions;
 - 22 • \$2,543.75 payable to Brucker & Morra, APC, counsel for the Plan
23 focusing on ERISA issues related to a settlement that the parties have
24 almost finalized;
 - 25 • \$2,952.00 payable to Enenstein Ribakoff LaViña & Pham, local
26 counsel for the Plan, focusing on preparing for and attending a
27 deposition noticed by Plaintiffs;
- 28

- \$2,763.72 payable to Mitchell Silberberg & Knupp, LLP, counsel for the Plan focusing on class action settlement issues.

WHEREAS the Plan's invoices are attached hereto as Exhibit "A";

WHEREAS the invoices include outstanding balances, in addition to the billing for February 2017, because the Court only recently approved on March 9, 2017, the Stipulation re payment of fees incurred by the Plan in January 2017 [611];

WHEREAS the Parties have communicated a mutual desire to avoid the necessity of a formal motion for attorneys' fees for payment of the fees incurred by the Plan for the month of February 2017;

NOW, therefore, the Parties stipulate that:

1. Payment of the Plan's legal fees and expenses for the month of December 2016, in the total amount of \$18,136.47, shall be made from the funds held by LPL Financial for the benefit of the Plan with the specific breakdown of this total amount below;
2. \$9,877.00 of the funds held by LPL Financial for the benefit of the Plan shall be unfrozen and released from the preliminary injunction [183] and paid to Foundation Law Group LLP;
3. \$2,543.75 of the funds held by LPL Financial for the benefit of the Plan shall be unfrozen and released from the preliminary injunction [183] and paid to Brucker & Morra, APC;
4. \$2,952.00 of the funds held by LPL Financial for the benefit of the Plan shall be unfrozen and released from the preliminary injunction [183] and paid to Enenstein Ribakoff LaViña & Pham;
5. \$2,763.72 of the funds held by LPL Financial for the benefit of the Plan shall be unfrozen and released from the preliminary injunction [183] and paid to Mitchell Silberberg & Knupp, LLP;

6. The remaining funds held by LPL Financial for the benefit of the Plan shall remain frozen and subject to the preliminary injunction [183] pending a further application for payment of attorneys' fees and expenses; and

7. Payment of attorneys' fees and expenses for the month of February 2017 (per items 2, 3 4, and 5 above) shall be made from cash on hand.

DATED this 9th day of March 2017

**MANNING & KASS ELLROD
RAMIREZ, TRESTER LLP**

By: /s/ James E. Gibbons
Attorneys for Plaintiffs

DATED this 9th day of March 2017

**ENENSTEIN RIBAKOFF LAVIÑA
& PHAM**

By: /s/ Robert A. Rabbat
*Attorneys for Defendant
Suzuki Enterprises, Inc., Profit
Sharing Plan*

DATED this 9th day of March 2017

**LAW OFFICES OF ROBERT W.
COHEN, A.P.C.**

By: /s/ Robert W. Cohen
Attorneys for Plaintiffs

DATED this 9th day of March 2017

FOUNDATION LAW GROUP LLP

By: /s/ Gregg D. Zucker
*Attorneys for Defendant
Suzuki Enterprises, Inc., Profit
Sharing Plan*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED this 10th day of March, 2017.


Cam Ferenbach
United States Magistrate Judge

CERTIFICATE OF SERVICE

Pursuant to Fed.R.Civ.P. 5(b), I hereby certify that on the 10th day of March, 2017, I served a true and correct copy of the foregoing **STIPULATION AND ORDER RE PAYMENT OF ATTORNEYS FEES AND COSTS INCURRED BY SUZUKI ENTERPRISES, INC., PROFIT SHARING PLAN DURING JANUARY 2017** via mandatory electronic service via Pacer. Parties may access this filing through the Court's CM/ECF.

/s/ Michelle Choto

Michelle Choto

Exhibit A – the Plan’s invoices

**INVOICE**

Invoice # 1322
Date: 02/28/2017

Suzuki Enterprises, Inc. Profit Sharing Plan

1043-00001-Suzuki Enterprises, Inc. Profit Sharing Plan/Suzuki Enterprises, Inc. Profit Sharing Plan v. Shige Takiguchi et al.

Suzuki Enterprises, Inc. Profit Sharing Plan v. Shige Takiguchi et al.

Type	Date	Attorney	Description	Quantity	Rate	Total
Service	02/01/2017	Gregg Zucker	Numerous correspondence to client, Plaintiffs' counsel and class action settlement counsel regarding status, approval of settlement, timing and billing; review correspondence from client regarding same; review correspondence regarding revisions to settlement documentation; prepare correspondence to Plaintiffs' counsel and class action settlement counsel regarding same.	1.00	\$595.00	\$595.00
Service	02/02/2017	Gregg Zucker	Prepare and review correspondence regarding claims administration/sub-trust issues; strategize regarding client approval of settlement; prepare and review correspondence regarding revisions to motion for approval/notice and related documentation.	0.80	\$595.00	\$476.00
Service	02/03/2017	Gregg Zucker	Review and prepare numerous correspondence regarding settlement status and revisions to same; telephone conferences with Mr. Morgan regarding client concerns on same; strategize regarding same; coordinate conference call with client regarding same.	1.10	\$595.00	\$654.50
Service	02/05/2017	Gregg Zucker	Review correspondence regarding conference call with client; telephone conference with client regarding settlement issues; correspondence to client regarding same.	1.40	\$595.00	\$833.00
Service	02/06/2017	Gregg Zucker	Prepare and review numerous correspondence to/from Plaintiffs' counsel regarding settlement; strategize regarding same; correspondence to/from client regarding same and timing issues.	0.90	\$595.00	\$535.50

Service	02/07/2017	Gregg Zucker	Prepare and review numerous correspondence to/from client regarding timing of settlement and negotiation of terms; strategize regarding same; prepare and review numerous correspondence to/from Plaintiffs' counsel regarding sub-trust and settlement issues; telephone conference with Plaintiffs' counsel regarding same; review settlement agreement regarding same; telephone conference with ERISA counsel regarding same; strategize regarding same; telephone conference with Mr. Morgan regarding same; correspondence to ERISA counsel regarding sub-trust issues.	2.50	\$595.00	\$1,487.50
Service	02/08/2017	Gregg Zucker	Prepare and review correspondence to/from client regarding settlement issues; revise stipulation for payment of fees; correspondence to Plaintiffs' counsel regarding sub-trust issues; strategize regarding same.	0.90	\$595.00	\$535.50
Service	02/09/2017	Gregg Zucker	Strategize regarding settlement issues; correspondence to client regarding same.	0.50	\$595.00	\$297.50
Service	02/10/2017	Gregg Zucker	Telephone conference with Plaintiffs' counsel and prospective trustee for sub-trust regarding sub-trust fees and related issues; correspondence to Mr. Morgan regarding client direction and communications; strategize regarding same; review recent filings and correspondence regarding same.	0.60	\$595.00	\$357.00
Service	02/13/2017	Gregg Zucker	Telephone conference with Mr. Morgan regarding settlement issues; strategize regarding sub trust issues; correspondence to/from Boston Private regarding same; correspondence to/from ERISA counsel regarding same; strategize regarding same; telephone conferences with Boston Private regarding same; correspondence to Plaintiffs' counsel regarding status.	1.90	\$595.00	\$1,130.50
Service	02/14/2017	Gregg Zucker	Numerous correspondence and strategize regarding sub-trust and settlement issues; telephone conference with Boston Private regarding same.	0.40	\$595.00	\$238.00
Service	02/15/2017	Gregg Zucker	Telephone conference with Plaintiffs' counsel regarding settlement issues; telephone conference with Mr. Morgan regarding same; strategize regarding same; review recent filings;	0.50	\$595.00	\$297.50

			correspondence regarding attys fees stipulation.			
Service	02/16/2017	Gregg Zucker	Review filings; review and prepare correspondence regarding sub-trust issues; strategize regarding timing of settlement.	0.40	\$595.00	\$238.00
Service	02/17/2017	Gregg Zucker	Telephone conference with Mr. Morgan regarding settlement discussions; strategize regarding same.	0.30	\$595.00	\$178.50
Service	02/20/2017	Gregg Zucker	Telephone conferences with Mr. Morgan and Plaintiffs' counsel regarding settlement issues; strategize regarding same.	0.40	\$595.00	\$238.00
Service	02/21/2017	Gregg Zucker	Prepare and review correspondence regarding sub-trust and escrow issues.	0.20	\$595.00	\$119.00
Service	02/22/2017	Gregg Zucker	Telephone conference with Plaintiffs' counsel regarding subtrust and settlement issues; preliminary review of revised agreement; strategize regarding same; review filings; review report on deposition; correspondence to client regarding settlement; review correspondence from client regarding same; strategize regarding disconnect on same.	1.40	\$595.00	\$833.00
Service	02/23/2017	Gregg Zucker	Telephone conference with Mr. Morgan regarding settlement issues; strategize regarding same; review revised motion for preliminary approval; correspondence regarding same.	0.50	\$595.00	\$297.50
Service	02/27/2017	Gregg Zucker	Telephone conference with client regarding global settlement; strategize regarding same; correspondence to Mr. Morgan regarding same and timing; review court order on motion for summary judgment; review recent filings.	0.90	\$595.00	\$535.50
					Subtotal	\$9,877.00
					Total	\$9,877.00

Statement of Account

Outstanding Balance	New Charges	Payments Received	Total Amount Outstanding
(\$29,754.00	+ \$9,877.00) - (\$0.00) = \$39,631.00

Detailed Statement of Account**Other Invoices**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1285	01/31/2017	\$29,754.00	\$0.00	\$29,754.00

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1322	02/28/2017	\$9,877.00	\$0.00	\$9,877.00

Outstanding Balance	\$39,631.00
Total Amount Outstanding	\$39,631.00

Payment is due upon receipt unless otherwise agreed in writing.

Remittance Advice

Checking Information

Remit checks to: Foundation Law Group LLP
445 S. Figueroa Street, Suite 3100
Los Angeles, CA 90071

Wire Transfer Information

Bank Name/Address: Chase Bank
749 Foothill Blvd.
La Canada, CA 91011

Bank ABA/Routing #: 322271627

Name/Account #: Foundation Law Group LLP
Account Number- 525388950

SWIFT: CHASUS33

Please include the invoice number 1322 as an additional reference so we may accurately identify and apply your payment. Please provide adequate payment to cover the wire fees assessed by your financial institution.

You may also pay by Chase QuickPay at billing@foundationlaw.com



A PROFESSIONAL CORPORATION

BRUCKER & MORRA, APC
 10866 Wilshire Blvd., 10th Floor
 Los Angeles, CA 90024
 Ph: 310-475-7540 • F: 310-470-4806

Invoice Number 51650

February 21, 2017

Gregg Zucker
 Foundation Law Group LLP
 2049 Century Park East, Suite 2480
 Los Angeles, CA 90067

Our Identifying Code for this Matter FOUN4-11 MJS
 Billing Cut Off Feb 27/17

Name of Matter: PROFIT SHARING PLAN

DATE	ATTY	SERVICES RENDERED	HOURS	AMOUNT
01/27/17	MJS	Advise Gregg regarding comments on sub trust. Work regarding sub trust.	1.00	500.00
01/30/17	MJS	Respond to mariko and Greg regarding sub trust.	0.25	125.00
02/03/17	MJS	Telephone conference with Jim, Jeff and Ed regarding sub trust and qualification as a settlement trust and payments to class settlement	0.75	375.00
02/06/17	AMB	Telephone conferences with Sesser regarding Sub Trust	0.25	168.75
02/06/17	MJS	Telephone conference with Gregg regarding sub trust and call with Heffler claims administrator. Emails with Gregg regarding same.	0.25	125.00
02/07/17	MJS	Respond to Mariko regarding use of sub trust. Telephone conference with Shauna Shalom regarding trustee for sub trust. Telephone conference with Gregg Zucker regarding concerns over fees for sub trust. Emails with Gregg regarding same.	1.00	500.00
02/13/17	MJS	Emails with Gregg regarding bank account fees and alternative to sub trust. Respond to emails from Shauna.	0.75	375.00
02/21/17	MJS	Emails with Greg regarding sub trust and payment to plaintiff.	0.25	125.00

Invoice Number 51650 Page 2 February 21, 2017

02/21/17 MJS Email to Greg regarding need for sub trust. 0.25 125.00

02/24/17 MJS Review of revised settlement agreement. 0.25 125.00

Total for Professional Services 5.00 \$2,543.75

Summary	Hours	Rate	Amount
Alex M Brucker	0.25	\$675.00	\$168.75
Meredith J. Sesser	4.75	\$500.00	\$2,375.00

TOTAL CURRENT FEES AND COSTS \$2,543.75

Previous Balance \$6,543.75

Previous Payments

BALANCE DUE NOW **\$9,087.50**

Aging:	<=30	<=60	<=90	<=120	> 120
	<u>\$9,087.50</u>	\$0.00	\$0.00	\$0.00	\$0.00

*** * * BALANCE DUE UPON RECEIPT * * ***

Invoice Number 51650

Page 3

February 21, 2017

CREDIT CARD AUTHORIZATION FORM

Cardholder Name: _____

Credit Card Billing Address: _____

Invoice Number: 51650 _____

Identifying Client Code: FOUN4-11 MJS _____

Credit Card #: _____

Expiration Date: _____ / _____ Security Code: _____

Please Choose one:

☐ One time payment of: **\$9,087.50** _____

Signature: _____

☐ Recurring monthly payments of: _____

Signature: _____

Please direct any inquiries to: **Maria Lagman**

Brucker & Morra, APC
10866 Wilshire Boulevard, 10th Floor
Los Angeles, CA 90024
310-954-2179 direct
310-470-4806 fax
mlagman@pensionlawyers.com

We appreciate your business!

Enenstein Ribakoff LaViña & Pham

3960 Howard Hughes Pkwy, Suite 280

Las Vegas, NV 89169

Telephone: (702) 468-0808

Fax: (702) 920-8228

Suzuki Enterprises, Inc. Profit Sharing Plan

March 03, 2017

Invoice No. 21434

Client: Suzuki Enterprises, Inc. Profit Sharing Plan

Matter ID: NV 400012.001 Suzuki adv. Takiguchi

For Services Rendered Through 2/28/2017**Fees**

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
2/1/2017	RAR	ADDRESS FEE APPLICATION AND ATTENDANCE AT UPCOMING DEPOSITION	0.20	\$99.00
2/2/2017	RAR	REVIEW AMENDED NOTICE OF DEPOSITION OF ICAG; EMAILS WITH COUNSEL RE SAME; ADDRESS ATTENDANCE OF DEPOSITION	0.20	\$99.00
2/6/2017	RAR	REVIEW AMENDED NOTICE OF DEPOSITION OF ICAG	0.10	\$49.50
2/7/2017	RAR	REVIEW INVOICES AND DRAFT STIPULATION FOR PAYMENT OF FEES FOR JANUARY 2017	0.90	\$445.50
2/8/2017	RAR	ADDRESS FEE APPLICATION AND FOLLOW-UP	0.20	\$99.00
2/9/2017	RAR	REVISE STIPULATION RE FEES PURSUANT TO PLAINTIFFS' REQUEST REVISIONS; FINALIZE AND FILE SAME	0.50	\$247.50
2/21/2017	TJ	PREPARE FOR DEPOSITION (1.0); ATTEND DEPOSITION OF CHERYL SHINTAKU (3.5)	4.50	\$1,912.50
Billable Hours / Fees:			6.60	\$2,952.00

Timekeeper Summary

Timekeeper TJ worked 4.50 hours at \$425.00 per hour, total \$1,912.50.

Timekeeper RAR worked 2.10 hours at \$495.00 per hour, total \$1,039.50.

Cost Detail

<u>Date</u>	<u>Description</u>	<u>Amount</u>	<u>Check No.</u>
12/31/2016	DOCUMENT RETRIEVAL - PACER INV. # 4138789-Q42016 (MASTERCARD - RAR)	\$23.30	
Total Costs:		\$23.30	

Prior Balance:	\$1,837.00		
Payments Received:	(\$0.00)	Last Payment:	2/1/2017
Current Fees:	\$2,952.00		
Advanced Costs:	\$23.30		
Administrative Cost/Late Charges:	\$0.00		
Amount to be Applied from Trust:	(\$0.00)		
TOTAL AMOUNT DUE:	<u>\$4,812.30</u>		

Thank You For Your Business



MITCHELL SILBERBERG & KNUPP LLP
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Foundation Law Group, LLP

00189 48129
Invoice: 357074

March 8, 2017

LEGAL SERVICES RENDERED through February 28, 2017

Re: Class Settlement Consulting	3,070.80	3,070.80
		<hr/>
		3,070.80
Less courtesy adjustment:		(307.08)
		<hr/>
Subtotal - current charges:		2,763.72

Foundation Law Group, LLP

00189 48129

Invoice: 357074

March 8, 2017

Page 2

Class Settlement Consulting

Fees through February 28, 2017:

02/01/17	Review class notice (.3); prepare for and conference with counsel regarding documentation issues (.4)	J. DURRANT	0.70	500.85
02/01/17	Prepare class notice; review and revise claim form; review and revise motion for preliminary approval order; review and analyze administration issues.	J. RICHARDSON	2.20	1,435.50
02/02/17	Review and analyze settlement administration issues.	J. RICHARDSON	0.60	391.50
02/06/17	Review and analyze settlement issues.	J. RICHARDSON	0.70	456.75
02/08/17	Legal analysis concerning CAFA	J. DURRANT	0.40	286.20
10% courtesy discount				(307.08)
Total Fees:				<u>\$2,763.72</u>

Billing Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Fees</u>
J. DURRANT	1.10 hours at	\$715.50 =	787.05
J. RICHARDSON	3.50 hours at	\$652.50 =	2,283.75
SUMMARY TOTALS	4.60		3,070.80



MITCHELL SILBERBERG & KNUPP LLP
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Foundation Law Group, LLP

00189 48129
Invoice: 357074

March 8, 2017

REMITTANCE
(please include with payment)

Current Fees:	2,763.72
Current Disbursements:	0.00
Total Current Charges - This Invoice:	\$2,763.72

Please remit to:

Mitchell Silberberg & Knupp LLP
11377 West Olympic Blvd.
Los Angeles, CA 90064

Wire/ACH Transfer Instructions:

Routing Number or ABA: 121000248
Bank Name: Wells Fargo Bank, N.A.
Bank Address: 420 Montgomery, San Francisco, CA 94104
Beneficiary Account No.: 4159349430
Beneficiary Account Name: Mitchell Silberberg & Knupp LLP
For International Transfers: Swift BIC WFBIUS6S
For ACH inquiries only, please contact Elizabeth Carrera at exc@msk.com

☐ I am able to receive future statements via email. Please send them to:

Contact name: _____

Email address: _____